

REMARKS

Claims 1-12 are pending in this application.

Applicants have amended claims 1, 5, 6, and 10-12. The changes to these claims made herein do not introduce any new matter.

Entry of Evidence

In the Advisory Action dated December 21, 2007, the Examiner refused to enter the evidence submitted with the Request for Reconsideration dated December 3, 2007 because it was submitted after a final action. In light of the concurrent filing of a Request for Continued Examination, Applicants request that this evidence (the portion of the treatise entitled "Digital Color Management: Encoding Solutions") be entered.

Rejection Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over *Arai et al.* ("*Arai*") (U.S. Patent No. 5,929,906) in view of *Takahashi et al.* ("*Takahashi*") (U.S. Patent No. US 6,987,567 B2). As will be explained in more detail below, the combination of *Arai* in view of *Takahashi* would not have rendered the subject matter defined in independent claims 1, 5, 6, and 10-12, as amended herein, obvious to one having ordinary skill in the art.

In the Advisory Action, the Examiner indicated, among other things, that Applicants' arguments were not persuasive because the arguments relied upon features that are not recited in the claims. In response to the Examiner's position, Applicants have amended each of independent claims 1, 5, 6, and 10-12 to clarify that the colorimetric values are either CIE- $L^*a^*b^*$ values or CIE-XYZ values. For the reasons set forth during prosecution of the subject application, the combination of *Arai* in view of *Takahashi* would not have rendered the presently claimed subject matter obvious to one having ordinary skill in the art.

Accordingly, independent claims 1, 5, 6, and 10-12, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Arai* in view of *Takahashi*. Claims 2-4, each of which depends from claim 1, and claims 7-9, each of which depends from claim 6, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Arai* in view of *Takahashi* for at least the same reasons set forth regarding the applicable independent claim during prosecution of the subject application.

Provisional Obviousness-Type Double Patenting Rejection

Applicants acknowledge the provisional obviousness-type double patenting rejection of claims 11 and 12 as being unpatentable over claim 1 of copending Application No. 10/700,658 in view of *Takahashi*. Once allowable subject matter is identified in the subject application, Applicants will make a determination as to whether the submission of a terminal disclaimer is warranted.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-12, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP062).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.



Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920